

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

DERRICK HOLLAND,  
  
Plaintiff,  
  
v.  
  
CITY OF RIDGECREST, *et al.*  
  
Defendants.

Case No. 1:22-cv-01578-JLT-CDB

ORDER ON STIPULATION EXTENDING  
*NUNC PRO TUNC* TIME TO RESPOND TO  
COMPLAINT AND GRANTING LEAVE TO  
FILE FIRST AMENDED COMPLAINT

(Doc. 6)

On December 8, 2022, Plaintiff Derrick Holland (“Plaintiff”) filed a Complaint against Defendants City of Ridgecrest, William Groves, Robert Wise, and Brock Weisburch. (Doc. 1). Plaintiff served Defendant City of Ridgecrest on January 3, 2023, and Defendant William Grove on January 4, 2023. (Docs. 4, 5). Defendants City of Ridgecrest and William Groves failed to timely respond to the Complaint. *See* Fed. R. Civ. P. 12(a)(1)(A)(i). *See also* Summons (Doc. 2) (commanding Defendants to serve answer “within 21 days after service of this summons on you”).

On February 7, 2023, the parties filed a stipulation to extend the time to respond to the complaint and for leave to file a first amended complaint. (Doc. 6).

Requests for extensions of time in the Eastern District of California are governed by Local Rule 144, which provides: “Counsel shall seek to obtain a necessary extension from the Court or from other counsel or parties in an action as soon as the need for an extension becomes apparent.”

1 L.R. 144(d). Here, it should have become apparent before the due date for Defendants to file a  
2 response to the Complaint that such an extension was needed, and, hence, under Local Rule 144,  
3 Defendants were required to file their current request for extension of time before now.

4 While the parties in their stipulation cite to and rely on Local Rule 144(a) for the proposition  
5 that parties may stipulate without Court order to a maximum 28-day extension of time to respond  
6 to a complaint, that presumes the parties timely file such a stipulation. Here, the parties seemingly  
7 acknowledge that their stipulation is out of time given their submission to the Court of a proposed  
8 order granting the relief sought.

9 The Court disfavors granting *nunc pro tunc* relief and directs the parties to exercise better  
10 care in anticipating any future requests for extensions of time and filing such requests well before  
11 the terminal filing date that they seek to extend. Nevertheless, given the parties' representations in  
12 their stipulation, the Court finds good cause to grant the relief requested.

13 Accordingly, IT IS HEREBY ORDERED:

- 14 1. Defendants' time to respond to the Complaint (Doc. 1) is extended to on or before  
15 February 21, 2023;  
16 2. Plaintiff shall file any amended complaint on or before February 27, 2023; and  
17 3. Defendants shall respond to any amended complaint within the time set forth in Fed. R.  
18 Civ. P. 15(a)(3).

19 IT IS SO ORDERED.

20 Dated: **February 9, 2023**

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22 UNITED STATES MAGISTRATE JUDGE  
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